

From: Dan Girellini
To: Microsoft ATR
Date: 1/24/02 10:55pm
Subject: Microsoft Settlement

To Whom it May Concern,

In accordance with the Tunney Act, I would like to present my comments on the Proposed Final Judgment in the United States' civil antitrust case against Microsoft.

I must strongly assert that I do not feel the the proposed settlement is restrictive enough in its actions against Microsoft. It leaves many areas and issues unaddressed while containing several loopholes for Microsoft to circumvent the restrictions it does impose.

To begin with, the definitions the settlement bases its terms on are defined more narrowly than they are used in common language and practice and therefore allow to avoid the restrictions they impose.

The settlement still allows much anticompetitive behavior on Microsoft's part against OEMs that ship competing Operating Systems.

The definition of Windows does not, in fact, include all of the relevant versions of Windows that Microsoft produces now or may produce in the future.

It doesn't prohibit the restrictive licensing terms that Microsoft issues to prevent use of Open Source software and operating systems.

These are just a few of the many problems I see with the proposed settlement. In general I don't feel the settlement will present any significant discouragement of Microsoft's fiercely anticompetitive practices. It should be revised and rewritten to address the concerns I cite above before its acceptance is considered.

Sincerely,
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